

REMARKS

Claims 1, 4-26, and 29-53 were pending and presented for examination and in this application. In an Office Action dated May 15, 2007, all pending claims were rejected. Applicants are canceling claims 4 and 29 and amending claims 1, 23-24, 26, 48-49, and 51-53 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested.

Examiner Interview

On July 20, 2007, a telephone interview with Examiner took place. Applicants' representative and Examiner discussed proposed amendments to the claims and discussed the Payton and DaCosta references. Examiner agreed that the amendments herein would likely overcome the 35 USC §101 rejections. Examiner also agreed that the references did not seem to disclose the claims as amended and that the Examiner would perform a new search.

Double Patenting

In the 5th and 6th paragraphs of the Office Action, Examiner has provisionally rejected claims 1, 26, and 52 on the grounds of nonstatutory obviousness-type double patenting over certain claims in copending applications 10/814,317 and 10/814,357 both filed on the same day as this application. Applicant requests that this rejection be held in abeyance until the other rejections have been withdrawn, at which time a terminal disclaimer may be filed if necessary.

Response to Rejection Under 35 USC § 101

In the 8th paragraph of the Office Action, Examiner has rejected claims 26-50 and 52-53 under 35 USC § 101, as allegedly being directed to non-statutory subject matter.

In the 9th paragraph of the Office Action, Examiner has rejected claim 26 as being not limited to storage embodiments. As amended, claim 26 recites “A computer-readable **storage** medium ...” Applicants respectfully request that Examiner withdraw the § 101 rejection to claim 26 and dependent claims 30-50.

In the 11th paragraph of the Office Action, Examiner has rejected claim 52 because the claimed matter is allegedly not a physical “thing” nor a statutory process. As amended, claim 52 recites “A computer system having a processor, comprising: a means executed on the processor for ...” and thus is a physical “thing.” Applicants respectfully request that Examiner withdraw the § 101 rejection to claim 52 and dependent claim 53.

Response to Rejection Under 35 USC 103(a)

In the 13th to 41st paragraphs of the Office Action, Examiner rejects claims 1, 4-26, and 29-53 under 35 USC § 103(a). Claims 1, 11-17, 26, 36-42, and 49 are rejected as allegedly being unpatentable over Payton (U.S. Patent No. 6,681,247) in view of Harris (U.S. Patent Pub. No. 2002/0091972). Claims 4-10, 23-25, 29-35, 48, and 50 are rejected as allegedly being unpatentable over Payton in view of Harris and DaCosta (U.S. Patent No. 6,826,553). Claims 18-22 and 43-47 are rejected as allegedly being unpatentable over Payton in view of Harris and Paine (U.S. Publication No. 2003/0055816). Claims 51-53 are rejected as allegedly being unpatentable over DaCosta in view of Paine. This rejection is respectfully traversed.

As amended, claim 1 incorporates claim 4 and recites a method comprising the following:

- identifying an event having an associated article;
- identifying article data associated with the article;
- determining a capture score for the event based at least in part on the article data, the determining comprising:
 - populating one or more fields of an event schema responsive to the article data;

associating one or more weights with the one or more fields of the event schema, a weight being a value indicating a relative importance of a field; and
generating the capture score responsive at least in part to the weights and contents of the populated fields of the event schema; and
compiling event data associated with the event responsive at least in part to a comparison of the capture score and a threshold value.

As can be seen, the claim recites compiling event data responsive at least in part to a comparison of a capture score and a threshold value. This capture score is determined based at least in part on article data associated with an article associated with the event. For example, printing a file can be an event, and a capture score can be determined based on data associated with the file. If this capture score exceeds a threshold value, for example, the event is compiled. The capture score is determined by populating one or more fields of an event schema, associating one or more weights with the fields, and generating a capture score responsive at least in part to the weights and contents of the populated fields. The weights are values indicating the relative importance of the fields. Continuing the above example, an event schema can have a file size field, a file access time field, and a file location field. A large weight can be assigned to the file size field while smaller weights are assigned to the other fields. As a result, the capture score, and therefore the decision of whether to compile the event, will depend more heavily on the file size rather than other data associated with the file. The claimed invention beneficially allows for compiling desired event data based on a capture score that can differently weight various types of data associated with the event.

As amended, claims 26, 51, and 52 contain similar language to claim 1, and all arguments presented below regarding claim 1 equally apply to these claims. Claim 51 includes specific types of “article data” from claim 1.

The claims are not obvious in view of the combination of Payton, Harris, DaCosta, and Paine. None of these references discloses “determining a capture score for the event based at least in part on the article data,” and none of the references discloses “generating the capture score responsive at least in part to the weights and contents of the event schema.” Payton is concerned with determining a score representing the similarity of various user events. DaCosta is concerned with automatically extracting data from electronic documents. Harris discloses a method for predicting certain errors and events associated with the operation of a machine or process while Paine discloses a system for recommending search terms to advertisers based on the advertiser’s web site and search terms used by other similar advertisers. None of the references is concerned with determining a capture score for an event or with generating a capture score based on weights associated with fields of a schema.

The Examiner cites the entry processor 102 of Payton as disclosing “determining a capture score for the event based at least in part on the article data.” However, Payton is only concerned with determining a score representing the similarity of various user events (the “scent score”) rather than determining a capture score that is used to determine whether an event should be selected and compiled. Payton mentions the selection of events only in col. 12, lines 32-45 (not cited by examiner), which describes the “information item type filter” 200, a part of the entry processor 102. This filter simply looks for various criteria (such as source host or file type) in items as being either present or absent when deciding whether to select the item. The filter does not determine a score based on data associated with the item to decide whether the item should be selected.

The Examiner additionally cites the extraction playback module 24 of DaCosta as disclosing determining a capture score for the event (col. 10, lines 27-55). However, this portion

does not mention determining any score. It discloses extracting text from a web page by matching the text to a given pattern.

The Examiner cites DaCosta as disclosing “generating the capture score responsive at least in part to the weights and contents of the event schema” where the event schema fields are populated responsive to article data and the weights are values indicating the relative importance of the schema fields. However, DaCosta is concerned with automatically extracting data from electronic documents and uses a schema only for recording navigation and extraction sequences (col. 14, lines 22-48). The schema fields are not populated with article data and the schema is not used to generate a capture score. DaCosta also makes no mention of associating weights with the fields of an event schema, where the weights indicate the relative importance of the fields.

Based on the above remarks, Applicants respectfully submit that for at least these reasons claims 1, 26, 51, and 52 are patentably distinguishable over the cited references. Therefore, Applicants respectfully request that Examiner reconsider the rejections and withdraw them. As to dependent claims, because claims 5-25 are dependent on claim 1, claims 30-50 are dependent on claim 26, and claim 53 is dependent on claim 52, all arguments advanced above with respect to claims 1, 26, and 52 are hereby incorporated so as to apply to these dependent claims. Applicant disagrees with the Examiner’s contention that the dependent claims are obvious over Payton in view of Harris, DaCosta, and Paine, but asserts that they are patentable for at least the same reasons as claims 1, 26, and 52.

Conclusion

On the basis of the above remarks, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above remarks, or if the Examiner believes that for any reason direct contact with the Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
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